

Andrew V. Stearns, SBN 164849  
Ignascio G. Camarena II, SBN 220582  
Steven M. Berki, SBN 245426  
**BUSTAMANTE O'HARA & GAGLIASSO, P.C.**  
333 W. San Carlos St., 8<sup>th</sup> Floor, San Jose, California 95110  
Telephone: (408) 977-1911  
Facsimile: (408) 977-0746  
astearns@loboinc.com  
icamarena@loboinc.com  
sberki@loboinc.com

M. Jeffery Kallis, SBN 190028  
**THE LAW FIRM OF KALLIS & ASSOCIATES, P.C.**  
333 W. San Carlos St., 8<sup>th</sup> Floor, San Jose, CA 95110  
Telephone: (408) 971-4655  
Facsimile: (408) 971-4644  
M\_J\_Kallis @Kallislaw.org

## Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

**FRANCISCO VALDEZ, et al.** ) Case No. C09-00176 RMW)  
vs. )  
**CITY OF SAN JOSE, et al.,** ) (Also to be filed in Related  
Defendants. ) Case No. C08-4032 JF (PVT)  
 )  
 ) **STIPULATION, REQUEST, AND**  
 ) **PROPOSED ORDER FOR LEAVE**  
 ) **TO FILE SECOND AMENDED**  
 ) **COMPLAINT**

**TO THE COURT, ALL PARTIES, AND THEIR COUNSEL:**

IT IS HEREBY STIPULATED by the parties, through their undersigned counsel, that the plaintiffs have sufficient grounds for leave to file a Second Amended Complaint, a true and correct copy of which is attached hereto as Exhibit "A", based on the following facts:

1. Plaintiffs initially filed this action on January 14, 2009;

1           2. Plaintiffs filed a First Amended Complaint on February 2, 2009, as a matter  
2 of right;

3           3. To accommodate investigation into legal and factual grounds for naming  
4 additional defendants and an additional plaintiff, the parties stipulated to allow the  
5 defendants additional time to file a responsive pleading to the First Amended Complaint to  
6 March 4, 2009;

7           4. By March 4, 2009, investigation into the potential new claim(s) was  
8 continuing and incomplete despite the diligence of the parties and therefore the parties  
9 stipulated to allow the defendants additional time to file a responsive pleading to the First  
10 Amended Complaint to April 24, 2009.

11          5. On April 24, 2009, the plaintiffs informed the defense that their investigation  
12 into the potential new claim(s) was completed and have determined it is warranted to name  
13 a new plaintiff and additional defendants in this action.

14          6. The parties have therefore agreed that interests of judicial economy and the  
15 preservation of judicial resources will be served by allowing the plaintiffs to file the  
16 proposed Second Amended Complaint attached hereto.

17          IT IS FURTHER STIPULATED that the defendants are not required to file a  
18 responsive pleading to the First Amended Complaint, if this Order is entered by the Court,  
19 who shall then have 20 days to respond from that date of filing of the Second Amended  
20 Complaint. If the Court does not enter this Order, all named Defendants must respond to the  
21 First Amended Complaint by May 15, 2009.

22 So stipulated.

23 DATED: April 29, 2009

**BUSTAMANTE, O'HARA, & GAGLIASSO, P.C.**

24  
25           By: \_\_\_\_\_ /S/  
26           ANDREW V. STEARNS  
27           IGNASCIO G. CAMARENA II  
28           STEVEN M. BERKI, attorneys for  
Plaintiffs

1 DATED: April 29, 2009

THE LAW FIRM OF KALLIS & ASSOCIATES, P.C.

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By: /S/  
M. JEFFERY KALLIS, attorneys for  
Plaintiffs

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DATED: April 29, 2009

**RICHARD DOYLE, City Attorney**

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By: /S/  
CLIFFORD S. GREENBERG, Deputy City Attorney

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10 SO ORDERED.

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DATED: July 10, 2009

  
HON. JEREMY FOGEL  
United States District Court, Northern District  
San Jose Division

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